



CRP.No.3302 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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and

CMP.No.17537 of 2022

1.Munusamy
2.Elumalai
3.Nagammal
4.Kuppammal
5.Kuttiammal
6.Rajendran
7.Kalyani
8.Aravi @ Dhanalakshmi
9.Valliammal
10.Ponnammal

... Petitioners

Vs.

1.Rajamoni
2.Florence
3.D.Govindaraj
4.Ejanmodeen
5.S.Raghavasimmal
6.Sivagami
7.K.Selvam

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- 8.Jayanthi
- 9.V.Jayabalan
- 10.Shankar
- 11.TM.Sridharan
- 12.PM.Pandaribai
- 13.Nirmala
- 14.Vinoth
- 15.OK.Kabilaganesh
- 16.Jayanthi
- 17.G.Sridharan
- 18.Arunkumar
- 19.Sekar (Died)
- 20.Kothandan
- 21.Govindaraj
- 22.Durai
- 23.Rajamani
- 24.Kistammal
- 25.Valliamma
- 26.Nagammal
- 27.T.G.Baskaran
- 28.Kala
- 29.Minor.Ramadoss
- 30.Minor.Dhanalakshmi
- 31.Minor.Rekha

Minors 29 to 31 are rep.by
mother Kala-the 10th respondent

- 32.Seetha
 - 33.Samuvel
 - 34.Surya
 - 35.Adilakshmi
- Respondents

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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the petition in E.A.No.12 of 2022 in E.P.No.35 of 2019 in O.S.No.30 of 1992 now pending on the file of the learned Subordinate Court Judge, Tiruvallur.

For Petitioners : Mr.T.S.Rajamohan

ORDER

This Civil Revision is filed seeking to strike out the petition filed by the respondents 1 to 18 under Order 21 Rule 97 of CPC asserting the independent right over the suit property.

2. The petitioners herein who are the decree holders in the partition suit have come up by way of this revision to strike out the petition filed by the respondents 1 to 18.



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3. The learned counsel for the petitioners submitted that the suit is of the year 1992 and execution of the final decree for partition is in the final stage and the respondents 1 to 18 in order to frustrate the fruits of the decree to the petitioners have come with this execution application. Merely because, the suit is of the year 1992 and execution of the final decree is in final stage, this Court cannot exercise supervisory power to strike out the petition filed by the respondents 1 to 18 under Order 21 Rule 97 of CPC. The said petition has to be tried as a suit and the rights of the third parties namely respondents 1 to 18 have to be adjudicated in the manner known to law. It is always open to the petitioners to file a detailed counter raising all their objections as against the claim made by the respondents 1 to 18. Therefore, I do not find any merits in this revision.

4. Hence, this Civil Revision Petition is dismissed. No



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costs. Consequently, connected Miscellaneous Petition is closed.

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5. The learned counsel for the petitioners made a request to fix a time limit for the Executing Court to dispose of the E.A. filed by the respondents 1 to 18 in E.A.No.12 of 2022. Taking into consideration, the suit is of the year 1992 and the petitioners are facing litigation for two decades, this Court is inclined to issue a direction to the Court below to dispose of the E.A.No.12 of 2022 within a period of 8 months from the date of receipt of a copy of this order.

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Index : Yes / No
Internet : Yes / No
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